RE: PETITION FOR ZONING VARIANCES, SW/S Reisterstown Rd., 870' NW of C/L of Pleasant Hill Rd. 4th Election District 3rd Councilmanic District PLEASANT HILLS PARTNERSHIP, Petitioner

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No. 90-60-A

The Petitioners herein, Pleasant Hills Partnership ("Pleasant Hills"), legal owner, and Pulte Homes Corporation, Contract Purchaser ("Pulte") are seeking a series of variances with regard to Pleas. t Hills, a CRG approved, recorded, 287 townhouse development, located on a 48.687 acre tract on the southwest side of Reisterstown Road, between Pleasant Hill Road to the southeast and Featherbed Lane to the northwest.

A series of five (5) Variances on virtually all of the end units in Pleasant Hills are requested in this case, and were granted by the Findings of Fact and Conclusions of Law by the Deputy Zoning Commissioner, dated September 7, 1989, a copy of which is attached hereto and incorporated by reference herein. On or about September 29, 1989, the People's Counsel entered an appeal to this Board, and the matter was heard by agreement on November 7, 1989, with Newton A. Williams, Esquire, appearing for the Petitioners, and Phyllis Cole Friedman, Esquire, appearing on behalf of the People's Counsel's Office.

The People's Counsel outlined on the record that the appeal had been taken because as a matter of law the People's Counsel are of the opinion that the requested RTA Variance sought from Section 1801.18.1b4. could not be granted by reasons of the provisions of Section 1B01.1B7, which provides:

"The provisions of Section 307 of these Regulations are not applicable to the requirements of this subparagraph."

Counsel for the Petitioners then offered a proposed Stipulation Outline for Board of Appeals Hearing, which was stipulated to by the People's Counsel, and incorporated as a part of the Board's file as Petitioners' Exhibit No. 2.

Counsel for the respective parties confirmed that the requested RTA Variance was to be dropped and ,in fact, marked the plat to accompany Variance Petition Pleasant Hills prepared by D. S. Thaler & Associates, Inc., dated March 2, 1989, to delete the said Variance request shown thereon as Variance No. 5, and also deleted it from the table, which plat was then received by the Board as Petitioners' Exhibit No. 1.

The Board is satisfied based upon the Stipulation Outline, Petitioners' Exhibit No. 2, the site plan, as amended, Petitioners' Exhibit No. 1, as well as the deletion of the requested RTA Variance, that as to the other requested variances, which are summarized in the Stipulation Outline, that Pleasant Hills will be a more attractive and better townhouse development if these various variances are granted.

- 2 -

The granting of the first four (4) variances sought will allow the upgrading of Pleasant Hills to a better, more attractive type of townhouse, with appropriate dining room and stairwell windows; and, further, that without the requested variances, the Petitioners will sustain practical difficulty and unreasonable hardship. Finally, the Board is satisfied that the requested variances, with the deletion of the RTA Variance as aforesaid, are in harmony with the spirit and intent of the Zoning Regulations as required by Section 307.

Furthermore, the reasons in detail for the requested variances are stated at length in the Findings of Fact and Conclusions of Law, dated September 7, 1989, by the Deputy Zoning Commissioner Ann M. Nastarowicz, which Findings of Fact and Conclusions of Law are adopted by this Board, with the exception of those that relate to the aforesaid RTA Variance.

ORDER

For the foregoing reasons stated herein above, it is, this 15 thday of November, 1989, by the County Board of Appeals of Baltimore County,

ORDERED, that the following variances be, and they are hereby GRANTED, namely:

1. A variance from Section 1B01.2C1 to permit a 25 foot minimum distance between buildings in lieu of the required 30 foot height to height limitation.

2. A variance from Section 1B01.2C.2.b to permit minimum distance of 25 feet between the centers of facing windows of end units in lieu of the required 40 feet.

3. A variance from Section V.B.6.b. (Comprehensive Manual of Development Policy) to permit a 10 foot minimum distance between end unit windows and side property lines in lieu of the required 15 feet.

4. A variance from Section V.B.6.a. (Comprehensive Manual of Development Policy) to permit a minimum distance of 15 feet window-to-street right of way in lieu of the required 25 feet.

5. All of the aforesaid variances shall be on the shaded units being varianced in accordance with the variance request chart set out at the bottom of Petitioners' Exhibit No. 1, the Plat to Accompany Variance Petition Pleasant Hills by D. S. Thaler & Associates, Inc., dated March 2, 1989, with the aforesaid four (4) RTA Variances on Lots 224, 225, 230 and 231 deleted therefrom, and deleted from this request.

IT IS FURTHER ORDERED, that:

A. Petitioners may apply for building permits and be granted same upon receipt of this Opinion and Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appeal period from this Opinion and Order has expired.

B. This Opinion and Order by virtue of its existence among the zoning records of Baltimore County shall constitute

an amendment of the Final Development Plan for Pleasant Hills, with respect to the variances granted herein.

> AWRENCE E. SCHMIDT, Chairman LYNN MORELAND, Member

1290B

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE SW/S Reisterstown Road, 870' NW of the c/l of Pleasant Hill Road * DEPUTY ZONING COMMISSIONER 4th Election District * OF BALTIMORE COUNTY 3rd Councilmanic District * Case No. 90-60-A Pleasant Hills Partnership Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests variances to permit a minimum distance between buildings of 25 leet in lieu of the required 30 feet, height to height requirement; a minimum distance of 25 feet between the centers of facing windows of end units in lieu of the required 40 feet; a minimum distance of 15 feet window to street right-of-way in lieu of the required 25 feet; a minimum distance between end urit windows and side property lines of 10 feet in lieu of the required 15 feet; and to permit a minimum distance of 40 feet between buildings in an R.T.A. in lieu of the required 45 feet, 1.5 times the height to height limitation, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Larry Thanner, General Partner, appeared, testified and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition were Michael A. Schrader, Executive Vice President, Pulte Home Corporation, Contract Purchaser; and David S. Thaler, Registered Professional Engineer. There were no Protestants.

Testimony indicated that the subject property consists of 47.687 acres more or less split zoned D.R. 16, D.R. 10.5 and D.R. 3.5 and is the site of a proposed 287 unit townhouse development known as Pleasant Hills. Said property is located on the southwest side of Reisterstown Road between Pleasant Hill Road and Featherbed Lane. Testimony indicated the requested variances are for every end unit as shown on a chart entitled "Shaded Units Being Varianced" on Petitioner's Exhibit 1.

The testimony revealed that the subject property has had a series of owners over its development history. Mr. Thaler and his firm originally designed the townhouse development for Castro-Holdsworth Associates, Inc., a Rockville, Maryland developer. CRG approval was given for the project on November 26, 1986. The Pleasant Hills Partnership acquired the property in August, 1988. In November 1988, the Pleasant Hills Partnership brought in Pulte Homes Corporation to be the actual builder and seller of the townhomes. Testimony indicated that after a market study by the Pulte Home Corporation of the Owings Mills housing mix, market and demographics, it was determined that the townnomes originally proposed for the subject property, with a low-pitched, 4 to 12 roof, and blank end walls on all units, would be more marketable and aesthetically pleasing with a roof pitch between 6 to 12, and by providing dining room windows and stairwell windows in the end units. Petitioners contend the proposed changes provide architectural amenity to not only the end units but to the entire neighborhood. Therefore, Petitioners have requested the proposed variances for all end units in the development rather than redesign the project, which Petitioners argue, would not only take years, but is impractical since the property is already the subject of a record plat, a final development plan, and signed and partially completed Public Works Agreements for public utilities.

Messrs. Thanner and Thaler testified the requested variances are necessary due to the architectural changes to the roof pitch and the addition of windows. Mr. Thanner contends the changes will result in a more attractive peaked roof, and will allow the end units to have stairwell and dining room windows, both of which are favorable design amenities according to the testimony presented and the comments submitted by the Deputy Director of Planning dated August 11, 1989.

Further, the photographs introduced as Petitioner's Exhibits 2, 3 and 4, demonstrate the end units as modified are more attractive with the dining room and stairwell windows, and a side entry door, than they would be with merely blank end walls as originally approved. Furthermore, it was argued that the proposed end units meet the spirit and intent of the regulations since the side windows in no way deprive any end unit owner of privacy as the windows are not located either in bedrooms or bathrooms on either the first or second floors.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R.

and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Baltimore County this ______day of September, 1989 that the Petition for Zoning Variance to permit a minimum distance between buildings of 25 feet in lieu of the required 30 feet, height to height requirement; a minimum distance of 25 feet between the centers of facing windows of end units in lieu of the required 40 feet; a minimum distance of 15 feet window to street right-of-way in lieu . the required 25 feet; a minimum distance between end unit windows and side property lines of 10 feet in lieu of the required 15 feet; and to permit a minimum distance of 40 feet between buildings in an R.T.A. in lieu of the required 45 feet, 1.5 times the height to height limitation, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner and/or any future developers/owners shall inform potential residents of the variances granted herein and shall reference this case and the conditions and restrictions contained herein in any Contract of Sale between a developer or builder and any first time purchaser in Pleasant Hills.

page 2 Description to Accompany Variance Petition --

land of Spurgeon Black, recorded among the said Land Records in Liber 3725 folio 251; thence, binding upon the last said land North 14 58'54" West 295.16 feet to a point; thence, binding upon the last mentioned land, and a parcel of land of John Axel, recorded among the said Land Records in Liber 6376 folio 785, North 45 22'53" West 253.49 feet to a point; thence, binding upon the last mentioned land, and land of, recorded among the said Land Records, Ruth Sullivan in Liber 822 folio 356, Harven Lawson in Liber 1172 folio 37, Carl Fadely in Liber 1070 folio 193, Carroll Lawson in Liber 4249 folio 386, J. Gary Hoffeld in Liber 6551 folio 530, Caroline Conrad in Liber 4486 folio 436, James E. Gerber in Liber 5403 folio 33, and Joseph Troyer, Jr. in Liber 5637 folio 238, South 85 22'16" West 721.85 feet to a point; thence, binding upon land of, recorded among the said Land Records, Frances Costley in Liber 5989 folio 480, Evelyn Madden in Liber 105 folio 518, Julia McNeill in Liber 4508 folio 223, Edmonia J. and George L. Smith in Liber 4950 folio 44, William Gregg in Liber 2664 folio 412 and Morgan Chee, et al., in Liber 5269 folio 262, North 08 07'28" West 489.07 feet to a stone found; thence, binding upon said land of Morgan Chee, et al., and a parcel of land of Frances Costley, as recorded among the said Land Records in Liber 5879 folio 686, North 46 42'20" West 420.44 feet to a point on the southerly side of Featherbed Lane; thence, binding upon the southerly side of Featherbed Lane, North 44 52'27" East 271.44 feet to a point; thence, crossing Featherbed Lane North 44 08'22" 3) Prior to settlement on any existing or future contracts, Petitioner shall make appropriate amendments to the Final Development Plan for Pleasant Hills, including, but not limited to, the variances granted herein, the case number, and any appropriate illustrative figure relating to the subject property, as well as the submission of any other appropriate documents of revision required to carry out the intent of this Order.

4) When applying for permits, the site plan and lanscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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Page 3
Description to Accompany Variance Petition
- Pleasant Hills

West 17.05 feet to a point on the north side of Featherbed Lane, 16.5 feet wide; thence, binding on the north side of Featherbed Lane, North 45 51'38" East 655.51 feet to a point at the northeast corner of a parcel of land of Reisterstown Limited Partnership, recorded among said Land Records in Liber 5349 folio 894; thence, binding upon lines of said Reistr Stown Limited Partnership, South 44 08'22" East 523.21 feet to an iron pipe found; and North 45 51'38" East 82.50 feet to intersect the southwesterly line of Part Two of a parcel of land of Ellis Friedler, recorded among said Land Records in Liber 4344 folio 583; thence, binding upon Parts Two and Three of land of said Ellis Friedler, and land of, recorded among the said Land Records, Anna M. Yeager in Liber 4459 folio 045, Jerry Lee Watson in Liber 6173 folio 307, Oscar Vinton King, in Liber 1720 folio 557, and Roadside Realty, Inc. in Liber 4342 folio 138, South 43 15'15" East 675.13 feet to a point at the southeast corner of land of the aforesaid Roadside Realty, Inc; thence, binding upon the land of said Roadside Realty, Inc. North 45 41'01" East 767.15 feet to a point on the southeasterly right-of-way line of the first mentioned Reisterstown Road; thence, binding upon said right-of-way line, South 43 11'58" East 648.53 feet to the point of beginning.

Containing 47.687 acres of land, more or less, and being all that same parcel of land shown as Pleasant Hills, recorded among the Land Records of Baltimore County, Maryland in Plat Book 57 folios 122, 123, 124, and 125.

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 1B01.2.C.1. and 2.b. to permit a 25 foot minimum distance between

Variance from Section buildings in lieu of the required 30 foot height to height requirement and a minimum distance of 25 feet between the centers of facino windows of end units in lieu of the required 40 feet; and Sections V.B.6.a. and b. of the C.M.D.P. to permit a minimum distance of 15 feet window to street right of way in lieu of the required 25 feet; and to permit a 10 foot minimum distance between end unit windows and side property lines in lieu of the required 15 feet; and 1.Bol.18.3.4.4. to permit a minimum distance of 40 heet between buildings in an R.T.A. in lieu of the required 25 foot 1.5 times the height implication, to the Zoning Law of Baltimore County; for the

following reasons: (indicate hardship or practical difficulty)

1. The new legal owner has upgraded the entire project to a larger, higher, more attractive unit, necessitating the requested variances.

2. The entire project has CPC and Record Plat approval, and it would be impractical to change the entire lot layout to rectify the end units only throughout Pleasant Hills.

3. That the requested variances are in harmony with the spirit and intent of the

Property is to be posted and advertised as prescribed by Zoning Regulations.

Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

		1	11 117-12 T
		I/We do solemnly declare and affirm, in a under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.	2C 4
Contract Purch	naser:		12/5/90
(Type or Prin	nt Name)	Pleasant Hills Partnership (Type or Print Name)	拔
Signature		Signature P	
Address		(Type or Print Name)	
City and Stat	e	Signature	
	Petitioner: illiams, Esquire	252 9976	
Nolan, Plum (Type or Pri	noff & Williams, Chartered It Name A. Williams	2405 York Road; #300 252-8876 Address Phone No. Timonium, Maryland 21093	
Signature Suite 1105.	Hampton Plaza	City and State	
300 E. Jorga Address	a_Road	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
Towson, Mar City and Sta		Newton A. Williams, Esquire Name	
Attorney's Te	lephone No.: 823-7800	Suite 1105, Hampton Plaza 823-7800 Address Phone No.	

J. Robert Suines

(over)

RE: PETITION FOR ZONING
VARIANCES, SW/S Reisterstown
Rd., 870' NW of C/L of
Pleasant Hill Rd.
4th Election District
3rd Councilmanic District

BEFORE THE COUNTY
BOARD OF APPEALS FOR
BALTIMORE COUNTY

Case No. 90-60-A

PLEASANT HILLS PARTNERSHIP, Petitioner

NOLAN, PLUMHOFF

& WILLIAMS, CHARTERED * * * * * * * *

PROPOSED STIPULATION OUTLINE FOR BOARD OF APPEALS HEARING

The Petitioner herein, Pleasant Hills Partnership (hereinafter referred to as Pleasant Hills) by Newton A. Williams and Nolan, Plumhoff & Williams, Chartered, its attorneys, respectfully offers this Outline of Proposed Stipulation for the consideration of the People's Counsel and the County Board of Appeals, as follows:

- 1. The Petitioner herein is Pleasant Hills Partnership, the owner of a 47.687 acre recorded subdivision known as Pleasant Hills, which subdivision is recorded among the Plat Records of Baltimore County in four (4) plats, namely, Liber SM 57, folio 122, 123, 124, and 125, all of which were recorded among the Plat Records of Baltimore County on December 10, 1987.
- 2. Pleasant Hills received CRG approval on November 26, 1986, and pursuant thereto, a final development plan entitled "Pleasant Hills", dated May 12, 1987, was prepared and filed with Baltimore County by the present engineering firm, D. S. Thaler & Associates, Inc., on behalf of the then owners of the property, namely, Castro-Holdsworth Associates, Inc.

Pex No

April 24, 1989

DESCRIPTION TO ACCOMPANY VARIANCE PETITION PLEASANT HILLS

Beginning for the same at a point on the southeasterly right-of-way line of Reisterstown Road, Maryland Route 140, a 66 foot right-of-way, which point is northwesterly 870 feet, more or less, from the centerline of Pleasant Hill Road, and at the northeasterlymost corner of a parcel of land, formerly of C. Leroy Widerman and Adela II. Widerman, recorded among the Land Records of Baltimore County, Maryland in Liber 1247 folio 213 and the northwestern corner of a parcel of land of Harold S. Bereson and Beverlye T. Bereson, recorded among the said Land Records in Liber 944 folio 675; thence, and referring all courses of this description to the grid meridian as established by the Baltimore County Metropolitan District, binding on the lines of the last mentioned land, South 59 46'49" West 787.57 feet, and South 40 44'10" East 284.50 feet to intersect the northerly line of a parcel of land of Gunther Thode, recorded among the said Land Records in Liber 5282 folio 728; thence, binding upon the last said northerly line, and lands of, recorded among the said Land Records, John C. Nesbitt in Liber 5541 folio 669, Patricia Miller in Liber 6889 folio 552, Kathryn S. Maloney in Liber 1092 folio 106, et al., South 75 36'20" West 643.25 feet to a point; thence, South 14 58'54" East 295.16 feet to a point on the northwest side of Pleasant Hill Road; thence, binding upon the northwest side of Pleasant Hill Road, South 75 36'20" West 140.50 feet to a point at a parcel of

- 3. That subsequently, namely, in August, 1988, the property was acquired by the present owner and Petitioner, namely, Pleasant Hills Partnership, a principal of which is Mr. Larry Thanner.
- 4. That subsequently, in November, 1988, the Pleasant Hills Partnership brought in Pulte Homes Corporation to be the actual builder and seller of the townhomes portion of the property, known as Pleasant Hills.
- 5. That upon review by Pulte Home Corporation and Pleasant Hills Partnership, it was determined that the original record plat and final development plan were essentially acceptable for upscale Pulte townhouses, except with respect to certain upgrades to meet the enhanced Owings Mills market.
- 6. As a result of a market study, and as set out in the testimony of Mr. Michael A. Schrader, Executive Vice President of Pulte Homes Corporation, as well as the testimony of David S. Thaler, Registered Professional Engineer. It was determined that while the existing Pleasant Hills lot layout had been planned for fairly plain, townhomes without windows on end units, and with a fairly unattractive roof pitch, Pulte determined that a more attractive roof pitch, namely, a six to twelve pitch, rather than a four to twelve roof pitch on all units, as well as a dining room window and a stairwell window in the end units would be more pleasing archetecturally, and

actually of benefit to all of the owners in Pleasant Hills.

- 2 **-**

IAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED

7. As a consequence of this decision, it was determined that rather than re-subdividing the entire Pleasant Hills townhomes community, which had already consumed a period of two to three years, that the more economic and appropriate course would be to pursue certain variances from the Zoning Regulations of Baltimore County, including the Comprehensive Manual of Development Policy.

8. Accordingly, in the summer of 1988, the Petitioner, Pleasant Hills Partnership, Guly filed Case No. 90-690-A requesting a series of five (5) variances, which variances are summarized on a plat to accompany the Variance Petition for Pleasant Hills, dated March 2, 1989, prepared by D. S. Thaler & Associates, Inc., a opy of which is attached hereto and incorporated by reference herein.

9. As can be seen on the attached Thaler plat, only the end units are affected in this 296 unit subdivision.

10. The variances requested include, namely:

1. 1B01.2.C.1 to permit a 25 foot minimum distance between buildings in lieu of the required 30 foot height to height limitation.

2. 1B01.2.C.2.b to permit a minimum distance of 25 feet between the centers of facing windows of end units in lieu of the required 40 feet.

3. V.B.6.b.(C.M.D.P.) to permit a 10 foot minimum distance between end unit windows and side property lines in lieu of the required 15 feet. 4. V.B.6.a.(C.M.D.P.) to permit a minium distance of 15 feet window-to-street right of way in lieu of the required 25

1B01.1B.1.b.4 to permit a minium distance of 40 feet between buildings in a R.T.A. in lieu of the required 45 foot 1.5 times the height to height limitation. It is this last variance, No. 5., seeking to obtain a variance of an R.T.A. (Residential Transition Area) requirement on only four lots, 224, 225, 230, and 231, to which the People's Counsel take exception and accordingly have taken this appeal.

11. As is shown on the plat of Pleasant Hills, prepared by D. S. Thaler, not every end unit requires every variance, and in fact, some units only required one variance, while no unit requires more than three variances, all as summarized on the bottom of the aforesaid Thaler plat, entitled "Variance Requests", staded units being varianced.

12. The Deputy Zoning Commissioner the Honorable Ann M. Nastarowicz, by her Findings of Fact and Conclusions of Law, dated September 7, 1989, granted all of the requested variances for the reasons set out in that decision, finding that strict compliance with the regulations would cause the Petitioner practical difficulty and unreasonable hardship, and that, in fact, not only were the requested variances with one exception, in harmony with the spirit and intent of the Regulations, but that, in fact, the granting of the requested variances would result in a more attractive, more liveable and better neighborhood for all of the residents of Pleasant Hills, not just the end unit owners.

13. That subsequently, on or about ceptember 29, 1989, the People's Counsel noted an appeal to the County Board of Appeals from the decision in this matter.

14. That counsel for the Petitioner and the People's Counsel have conferred, and counsel for the Petitioner has been informed that the People's Counsel has no general objection to the variances granted, with one exception, and as the Deputy Zoning Commissioner's decision notes, there were and are no protestants in the matter; and the People's Counsel specifically objects to the granting of the requested variance from Section 1B01.1B.1.b.4, which purported to grant a minimum distance of 40 feet between buildings in an RTA (Residential Transition Area) in lieu of the required 45 feet, 1.5 times the height to height limitation.

15. Further, that the People's Counsel are, objecting to the proposed RTA variance request, and base their objection on Section 1801.18.7 which provides "The provisions of Section 307 of these Regulations are not applicable to the requirements of this sub-paragraph."

16. The Petitioner, Pleasant Hills Partnership, hereby stipulates and agrees to voluntarily abandon its request for an RTA variance, and that the four (4) lots affected by this request, namely, Lots 224, 225, 230 and 231 shall comply with the applicable RTA requirements by appropriate measures to be taken by Pleasant Hills.

17. As can be seen on the Thaler plat, attached hereto, in the upper left-hand corner, the typical front elevation, and typical side elevation, make for a very attractive type of townhouse, and the abandonment of these four (4) lots requested

for an RTA Variance will not materially interfere with the essentially reconstituted, very attractive upgrading of Pleasant Hills proposed by Pulte Homes Corporation.

18. That time is of the essence in this matter, Pulte Homes Corporation being in a position of having completed a number of townhomes and wishes to go to settlement thereon, and counsel for Pulte Homes Corporation and Pleasant Hills Partnership and the People's Counsel respectfully ask that the Board of Appeals upon review hereof grant the requested variances requested by the Petitioner in its original Petition and as shown on the attached plat, with the exception of the abandoned variance No. 5 RTA request, as set out in Paragraph 10 hereof covering Lots 224, 225, 230 and 231, and that the Petitioner be allowed to apply for building permits during the pendency of any appeal period of the Board's Order.

19. The parties hereto further request that any Order entered herein be referenced on the Final Development Plan, and that this case be considered by virtue of its existence in the public records for Baltimore County an amendment to the Final Development Plan, in accordance with earlier, established practice of the Zoning Office.

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Respectfully submitted,

Newton a. Williams NEWTON A. WILLIAMS

NOLAN, PLUMHOFF

& WILLIAMS,

CHARTERED

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

feet.

NOLAN, PLUMHOFF

& WILLIAMS,

CHARTERED

October 4, 1989

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance SW/S Reisterstown Road, 870' NW of the c/1 of Pleasant Hill Road 4th Election District, 3rd Councilmanic District PLEASANT HILLS PARTNERSHIP - Petitioner Case No. 90-60-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 29, 1989 by People's Counsel. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Zoning Commissioner

Dennis F. Rasmussen

JRH:cer

Enclosures

cc: Larry Thanner, Pleasant Hills/Partnership 2405 York Road, Suite 300, Aimonium, MD 21093

Newton A. Williams, Esquire - Nolan, Plumhoff & Williams Suite 700, Court Towers, 210 W. Pennsylvania Ave. Towson, MD 21204 Michael A. Schrader, Pulte Home Corporation

1120 New Hampshire Avenue, Silver Spring, MD 20904 David S. Thaler, 11 Warren Road, Baltimore, MD 21208

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204

RE: PETITION FOR ZONING VARIANCE SW/S Reisterstown Rd., 870' NW of C/L of Pleasant Hill Rd. : 4th Election District 3rd Councilmanic District

NOLAN, PLUMHOFF

& WILLIAMS,

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

: Case No. 90-60-A

PLEASANT HILL PARTNERSHIP,

Petitioner :::::::

NOTICE OF APPEAL

Please note an appeal from the decision in the above-captioned matter of the Deputy Zoning Commissioner, under date of September 7, 1989, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

> Phyllic Cole Friedman People's Counsel for Baltimore County

lax farmena Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building 111 W. Chesapeake Averue Towson, Maryland 21204 (301) 887-2188

I HEREBY CERTIFY that on this 29th day of September, 1989, a copy of the foregoing Notice of Appeal was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman

ZONING DEPARTMENT OF BALTIMORE COUNTY 90-60-A

Date of Posting 10 -6-89 Pleasant Thill Part meraling SW side of Plististown Road 870'NW Ell of Pleasant Ttill Road SW side of Rusterstown Road in front



111 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

HEARING ROOM -Room 301, County Office Building

LAW OFFICES

NOLAN, PLUMHOFF

& WILLIAMS,

(301) 494-3180 October 26, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-60-A

PLEASANT HILLS PARTNERSHIP SW/s Reisterstown Rd., 870' NW of the c/l of Pleasant Hill Road 4th Election District 3rd Councilmanic District

VAR-height to height and distance requirements 9/7/89 - D.Z.C.'s Order GRANTING Petition with restrictions.

Counsel for Petitioner

has been set for hearing by agreement of all parties tentative settlement reached; to be put on the record and has been

ASSIGNED FOR: TUESDAY, NOVEMBER 7, 1989 at 9:00 a.m. (ONE HOUR ONLY)

cc: Newton A. Williams, Esquire Pleasant Hills Partnership People's Counsel for Baltimore County Michael A. Schrader

Pulte Home Corp. David S. Thaler P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, County Attorney

LindaLee M. Kuszmaul Legal Secretary

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: August 11, 1989 J. Robert Haines

Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

Pleasant Hills Partnership, Item 510

SUBJECT: Zoning Petition No. 90-60-A

The petitioner is requesting a series of variances (No. 2, 3 and 4 as explained in the <u>Variance Requests</u> document prepared by the petitioner's attorney) to allow the placement of window treatments on the end of group townhouses. The utilization of windows creates a host of variances that would not otherwise be needed if the end walls remained blank. In reference to this request, staff provides the following information:

The petitioner's request regarding the types of variances outlined in Nos. 2, 3 and 4 simply reflect the placement of windows on facing walls versus any reduction in distances between buildings that would otherwise occur. Good design principles enforce relationships of buildings in regard to size, location, scale, specific building elements and treatments such as facades, roofs and rhythm, proportion, scale of windows, doors, etc. The petitioner's request in no way violates these fundamental precepts. The enhanced treatment of end walls in fact improves the overall design and quality of development in projects such a these.

The petitioner's request regarding the types of variances outlined in Nos. 1 and 5 relates to actual distances between buildings 1. (25 feet requested from 30 feet required and; 2. 40 feet requested from 45 feet required). Once again, the form of the building itself as reflected in steeper roof pitches can result in the requirement that distances between buildings be varied. Within larger town- house development projects, steeper roof pitches and distances between buildings should be varied to obtain a more aesthetically pleasing product. The petitioner's request for these variances is reasonable and will not have a detrimental effect on the quality of the project.

ZONING OFFICE

NEWTON A. WILLIAMS
WILLIAM M. HESSON, JR.*
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT E. CAHILL, SR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
LOUIS G. CLOSE, III
THOMAS X. ALDERMAN
KERA L KOSTUN
*ALSO ADMITTED IN D. C.

NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

CHARTERED

SUITE 700, COURT TOWERS

ZIO WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 2I204-5340

(30I) 823-7800

TELEFAX: (30I) 296-2765

TELEFAX: (30I) 296-2765

JAMES D. NOLAN
(RETIRED, 1980)

OF COUNSEL
RALPH E. DEITZ

9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 2II33
(30I) 922-2121

September 1, 1989

RECEIVED
SEP 1 1989

The Honorable Ann M. Nastarowicz, Esquire Deputy Zoning Commissioner County Office Building Towson, Maryland 21204

ZONING OFFICE

RE: Petition for Zoning Variance for Pleasant Hills Partnership Case No.: 90-60

Dear Commissioner Nastarowicz:

As promised at the time of the recent Hearing on August 23, 1989 please find enclosed a draft of the Findings of Fact and Conclusions of Law in the above-entitled matter.

As you have reminded me several times everyone is anxious to get this Opinion, particularly because of settlements scheduled for mid to late October.

Of course I would be glad to come to your office and talk, or consult with you by telephone at your convenience in regard to this matter.

Thanking you and your staff, I am -

Newton a. Williams

Newton A. Williams

NAW/psk

Enclosure

CC: Mr. Larry Thanner, Jr. Mr. Dave Thaler Pulte Homes Corporation

RE: PETITION FOR ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER

SW/S Reisterstown Rd., 870'

NW of C/L of Pleasant Hill Rd. : OF BALTIMORE COUNTY

4th Election District

3rd Councilmanic District
PLEASANT HILL PARTNERSHIP,
Petitioner

::::::

: Case No. 90-60-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 29th day of September, 1989, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Leter Max Zummen

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

ADDRESS

TOO COURT TOWERS, 210 TV. Penn.

ANDRESS

TOO COURT TO

ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for: Nariane Date of Posting July 31-89

Petitioner: Pleasant Itill Partmership

Location of property: SW side of Reinterstrum Rand 870 NW of

The CIL of Pleasant Hill Rand

Location of Signs: SW side of Reinterstrum Road in front of

Remarks:

Posted by Signature

Date of return: August 4-59

CERTIFICATE OF PUBLICATION

The Zoring Commissioner of Beltimore County, by authority of the Zoring Act and Regulations of Beltimore County will hold a public hearing on the property identified hermin in Room 105 of the County Office Building, to-cased at 111 W. Cheespeake Avenue in Towcon, Maryland 21204 as follows:

Petition for Zoring Variance Case number: 90-80-A SW/B Reissterstown Road, 870 NW of of of Pleasant Hill Fload 4th Election District 3rd Councilmentic Petition re(s):

Pleasant Hill Pertnership Hearing Date: Wedneadery, Aug. 23, 1989 at 2:00 p.m.

Variance: to permit a 25 foot minimum distance of the required 4th hearing better the publicatings in lieu of the required 30 foot height-to-height requirement; to permit a minimum distance of 25 minimum clienters of 25 foot 1.5 times the hearing better the publication of the requirement; to permit a minimum distance of 25 foot 1.5 times the hearing at above or presented at the hearing.

J. ROBERT HAINES Zoring Commissioner of Raitimore County OMIT/J/8/014 Aug. 3.

TOWSON, MD. ________, 1932.

THIS IS TO CERTIFY, that (. annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on _______, 1989.

THE JEFFERSONIAN
OWINGS MILLS TIMES,

S. Zehe Oline

PO 15125 reg M 31062 90-60-A price \$ 97.32

VARIANCES REQUESTS

Requests <u>Sections</u> To permit a 25° minimum distance between buildings in 1B01.2.C.1 lieu of the required 30' height to height limitation. To permit a minimum distance of 25' between the centers of 1B01.2.C.2b facing windows of end units in lieu of the required 40'. To permit a 10' minimum V.B.6.b(CMDP) distance between end unit windows and side property lines in lieu of the required 15'. V.B.6.a.(CMDP) To premit a minimum distance of 15' window to street right -of-way in lieu of the required 25'. To permit a minimum distance of 40' between buildings in 1B01.2.C.4 a R.T.A. in lieu of the required 45' (1.5 times the height to height limitation). Based upon the analysis conducted, staff recommends approval of the petitioner's request subject to the following:

The petitioner shall provide architectural treatments for end walls of townhouses in conformance with, Thomas Run-Pleasant Hills, Rear End, Standard Sections, sheet 7 of 11, revision dated April 4, 1989. Any substantial deviations shall be reviewed and approved by the Director of Planning and Zoning, and the Zoning Commissioner

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Pleasant Hill Partnership
2405 York Road, Suite 300
Timonium, Maryland 21093

Petition for Zoning Variance
CASE NUMBER: 90-60-A
SW/S Reisterstown Road, 870' NW of c/l of Pleasant Hill
Road
4th Election District - 3rd Councilmainc
Petitioner(s): Pleasant Hill Partnership
HEARING SCHEDULED: WEDNESDAY, AUGUST 23, 1989 at 2:00

entlemen:

Please be advised that \$ 122,32 is due for advertising and posting of

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

Dennis F. Rasmussen

#510

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE · REVENUE DIVISION

AISCELLANEOUS CASH RECEIPT

AMOUNT \$ 122.32

RECEIVED LAWRENCE THANAGE

PORTING THINKSTRING (CARCEL GO-GOA)

B BIE **** 12232: 8 2234 F

VALIDATION OR SIGNATURE OF CARMINE

O C

RE: PETITION FOR ZONING VARIANCE : BEFORE THE ZONING COMMISSIONER

SW/S Reisterstown Rd., 870'

NW of C/L of Pleasant Hill Rd. : OF BALTIMORE COUNTY

4th Election District : Case No. 90-60-A

PLEASANT HILL PARTNERSHIP, :

Petitioner

::::::

NOTICE OF APPEAL

Please note an appeal from the decision in the above-captioned matter of the Deputy Zoning Commissioner, under date of September 7, 1989, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rocm 304, County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 29th day of September, 1989, a copy of the foregoing Notice of Appeal was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 700, Court Towers, 210 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Phyllis Cole Friedman

Phyllis Cole Friedman

Differential

1, 2, 3 1, 2, 3 112 118 119 123 124 1, 2, 3 1, 2, 3 132 1, 2, 3 139 1, 2, 3 140 145 146 151 1, 2, 3 152 1, 2, 3 158 3, 4 165 2, 3 166 2, 3 173 174 1, 2, 3 1, 2, 3 184 1, 2, 3 185 1, 2, 3

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191	2	267	1, 2, 3
197	3	268	1, 2, 3
198	3	275	3, 4
203	2, 3	276	1, 2, 3
204	2, 3	281	1, 2, 3
208	1, 2, 3	282	1, 2, 3
209	1, 2, 3	288	1, 2, 3
214	1, 2, 3	289	1, 2, 3
215	1, 2, 3	294	3
219	3		
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256	3		
257	3		
261	2, 3		
		0901B NAW/psk	

#510

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

ZONING OFFICE

Dear Mr. Haines:

MSF/lab

The Bureau of Traffic Engineering has no comments for items number 407, 417, 502, 503, 504, 505, 506, 507, 508, 509, 510 and 512.

Michael S. Flanigan Traffic Engineer Associate II



Richard H. Trainor Secretary

June 13, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Pleasant Hills
Subdivision
Zoning meeting 6/6/89
S/S Reisterstown Road
MD 140
870' west of
Pleasant Hill B-Pleasant Hill Road Item #510)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a 25° minimum distance between buildings in lieu of the required 30° and other variances, we find the plan acceptable with all highway improvements having been previously approved.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Creston J. Mills, Jr. Chief Engineering Access Permits Division Division

LB/es

cc: D.S. Thaler and Associates Inc. Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke Guef

JUNE 12, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner:

PLEASANT HILLS PARTNERSHIP

Location:

SW/S OF REISTERSTOWN ROAD, 870' NW OF THE CENTERLINE OF PLEASANT HILL ROAD zoning Agenda: JUNE 6, 1989

Item No.: 510

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Cat lose following 6-12-89

Planning Group

Special Inspection Division

Noted and African Division

Fire Prevention Bureau,

JK/KER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 20, 1989

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for June 6, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 502, 503, 505, 506, 507, 509, and 512.

For items 417 and 510/the previous Lounty Review Group comments are still valid.

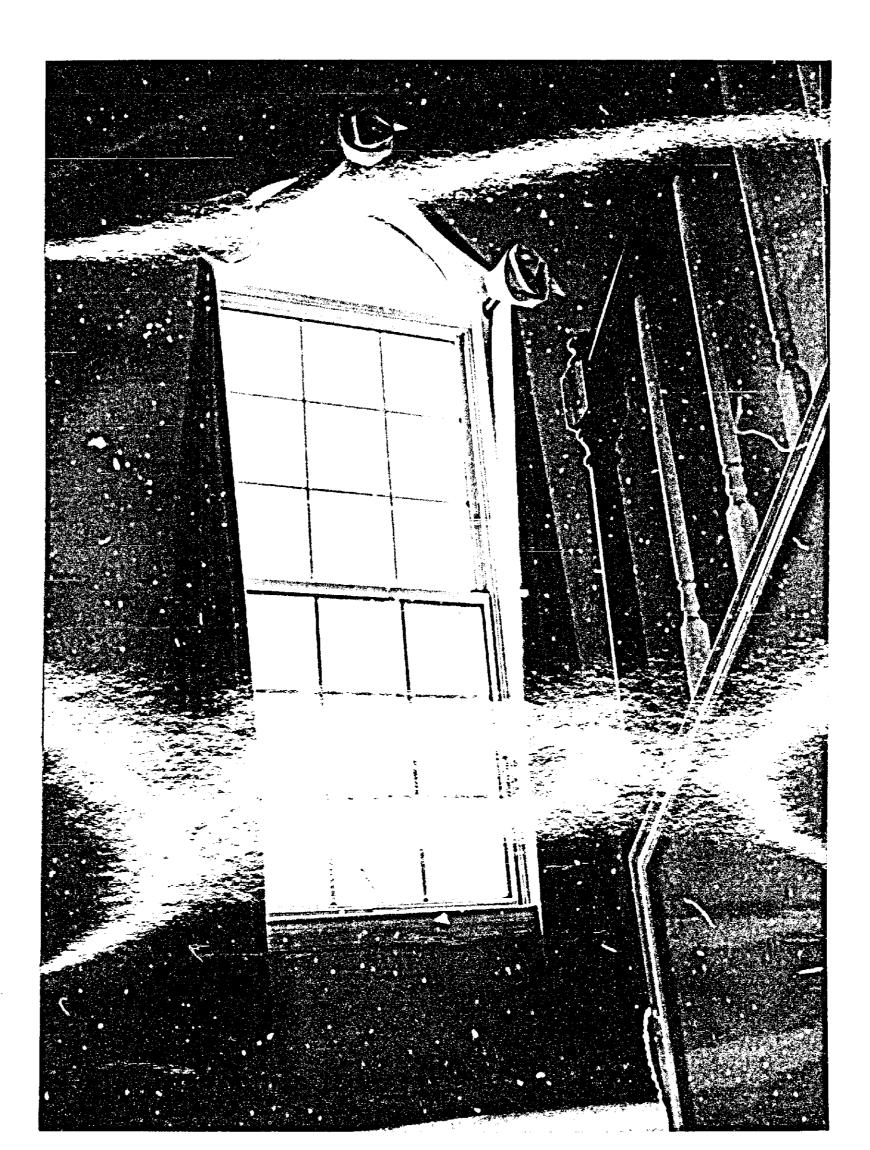
Comments are attached for item 407.

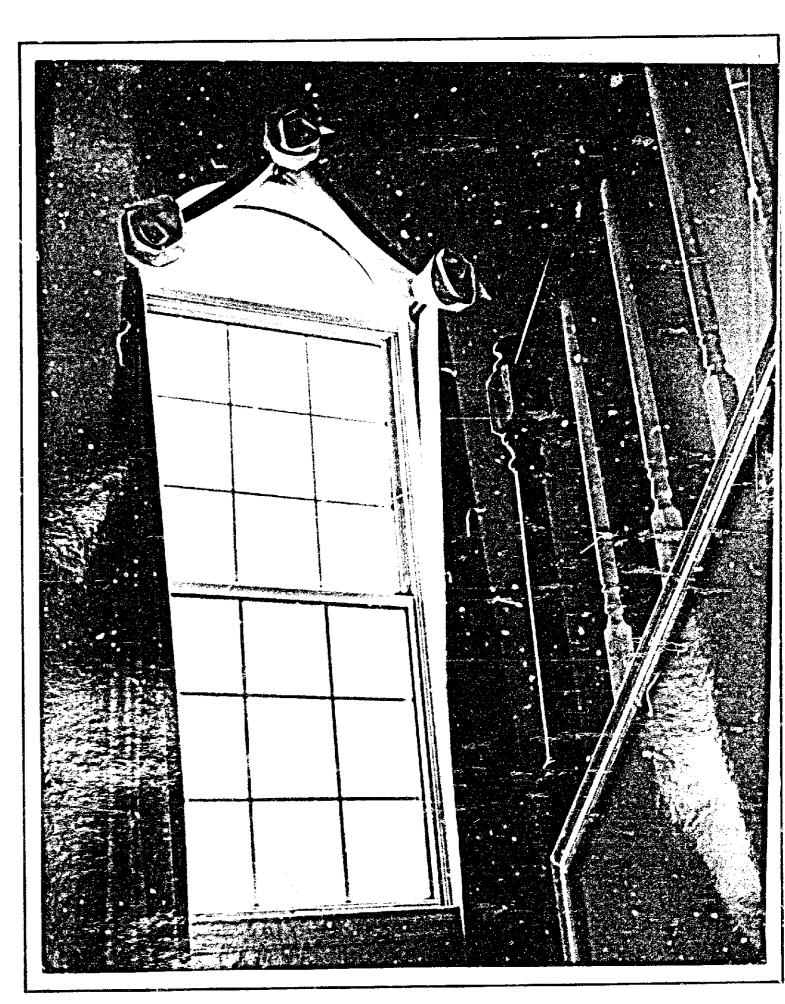
For item 504, Oak Avenue shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

For item 508, parking should not be set up to back out onto future Craddock Lane.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:5 Encl.





Deli harals





